

Clerk, U.S. District Court  
Southern District of Texas  
FILED

MAR 10 2015

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA  
V.  
**Jason Alberto MEDELLIN**

**CRIMINAL COMPLAINT**

Case Number: **C-15-283M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 3/8/2015 in Kenedy County, in the

(Date)

Southern District of Texas defendant(s) **Jason Alberto MEDELLIN**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

**Jerrold Buckner**

Continued on the attached sheet and made a part of this complaint:

☒ Yes

☐ No

Signature of Complainant

**Jerrold Buckner**

Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found:

March 10, 2015 1:30pm

Date

at

Corpus Christi, Texas

City and State

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On March 8, 2015 at approximately 07:50 p.m., MEDELLIN, Jason Alberto was apprehended at the USBP Checkpoint near Sarita, Texas for attempting to smuggle one undocumented immigrant in a 2005 red four door Chevrolet Impala TX License Plate DZF3032.

On March 8, 2015, Border Patrol Domingo Serna, was performing assigned primary inspection duties at the USBP Checkpoint near Sarita, Texas. Also assisting with the primary inspection duties was Border Patrol Agent Joe Leal and his service canine Speedy. At approximately 07:50 p.m., a red four door Chevrolet Impala approached the primary inspection lane.

As the vehicle stopped Agent Serna conducted an immigration inspection of the single visible occupant. Agent Serna questioned the male driver (later identified as MEDELLIN, Jason Alberto) as to his citizenship and he presented a Texas State Identification card and in a low and quiet voice, and stated that he was a United States Citizen. Agent Serna noticed that MEDELLIN opened his door instead of rolling down the window and immediately closed the door and appeared to be nervous and avoiding eye contact. During this inspection, Border Patrol Agent Joe Leal allowed his canine partner, Speedy NCF# 071313, to perform a free air sniff of the vehicle's exterior. Canine Speedy advanced toward the trunk of the vehicle and strongly pulled the handler in the direction of the vehicle. Agent Leal then advised Agent Serna that Speedy had alerted to the vehicles trunk.

Agent Serna then asked MEDELLIN for consent to open the vehicle's trunk. MEDELLIN agreed and complied. The trunk was opened and contained a Styrofoam cooler and what Agent Serna noted to be an oversized speaker box. Agent Serna noted the speaker box had oversized speakers attached to it, and when the box was tapped, it appeared to be not a box, but a wood panel attached to the sides of the vehicle's trunk.

Agent Serna then asked MEDELLIN for consent to open the rear driver side door to the vehicle and to pull down the rear in order to look in the trunk thru the inside of the vehicle. MEDELLIN agreed and complied, MEDELLIN also stated to Agent Serna that he was not going to be able to pull down the seat because it was missing the pull handle to release the lock allowing the seat down. Agent Serna observed that the passenger side rear seat pull tab was present and asked and obtained consent from MEDELLIN to open the rear passenger side door and to gain access into the trunk space.

Upon opening the seat to trunk space, Agent Serna then observed a male person, later identified as AVILA-Nieto, Fernando (a national and citizen of Mexico illegally present in the United States), and curled in the fetal position behind the seat. At that time Agent Leal ask MEDELLIN if he was responsible for all the contents of his vehicle to which he stated "Yes".

Agent Serna did not alert BPA Leal or MEDILLIN of having encountered the person in the trunk, in order to prevent MEDELLIN from fleeing. BPA Leal advised Agent Serna to place the vehicle in the secondary inspection. Agent Serna then instructed MEDELLIN to shut off the engine of his vehicle and hand over the keys, to which MEDILLIN complied. Agent Serna then instructed MEDILLIN to step out of the vehicle to which he complied. Agent Serna placed MEDELLIN under arrest for alien smuggling and escorted him into the checkpoint for further questioning.

AVILA was placed under arrest and escorted into the USBP Checkpoint for further processing.

Once inside the Border Patrol checkpoint, Agent Serna, read MEDELLIN his Miranda Rights, in the English language as per DHS form I-214. MEDELLIN stated he understood his rights and indicated so by signing the appropriate portion of the forms. MEDILLIN said he was not willing to make a statement without the presence of an attorney. This was witnessed by Border Patrol Agent Carlos Garcia.

Agent Domingo Serna read AVILA his Miranda Rights, in the Spanish language as per DHS form I-214. AVILA stated that he understood her rights and indicated so by signing the appropriate portion of the forms. AVILA said he was willing to make a statement without the presence of an attorney. This was witnessed by Border Patrol Agent Carlos Garcia.

**MATERIAL WITNESS STATEMENT:**

AVILA stated he crossed the Rio Grande River on March 1, 2015 at approximately 01:00 p.m. near Hidalgo, Texas. AVILA stated he was then driven to an unknown house at an unknown location, where he remained for approximately six days. AVILA stated he was then taken to an unknown neighborhood in Harlingen, Texas, by and unknown male he described as being old and Hispanic. AVILA stated he could not see where he was because he was threatened if he looked around he would be hit. AVILA stated the same old Hispanic person then ordered him to get in the red Chevrolet Impala and hide behind the seat. AVILA stated the rear seat was pulled down and he was ordered by the old Hispanic man not to get in until he was told to do so, because the driver was not there yet. AVILA stated after approximately an hour of being inside the red Chevrolet Impala, he was then ordered by the same old Hispanic male to get inside the trunk. AVILA stated the old Hispanic man then secured the seat. AVILA also stated he remained there quietly, he heard a different unknown male voice in the vehicle having a conversation with the old Hispanic male in the Spanish language. AVILA stated after this, the vehicle began moving and did not stop until he was encountered by Agent Serna.

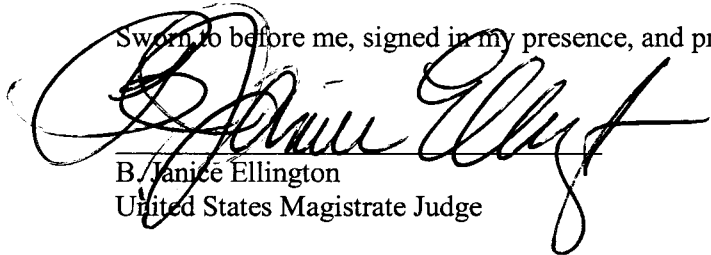
The facts of this case were presented to Assistant United States Attorney Mike Hess who accepted Jason Alberto MEDELLIN for prosecution for Alien Smuggling.

Fernando AVILA-Nieto will serve as material witnesses.



Jerrod Buckner  
Border Patrol Agent

Sworn to before me, signed in my presence, and probable cause found on this 10<sup>th</sup> day of March 2015.



B. Janice Ellington  
United States Magistrate Judge